



TOWN OF WEARE
PLANNING BOARD
ZONING BOARD OF ADJUSTMENT
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Naomi L. Bolton
Land Use Coordinator

Office Hours:
Monday
Tuesday
Wednesday
8 AM – 4:30 PM

**PLANNING BOARD
MINUTES
AUGUST 19, 2004
(Approved as written 10/28/04)**

PRESENT: Paul Morin, Chairman; Frank Bolton, Alternate; Carl Knapp, Alternate;
Naomi Bolton, Land Use Coordinator.

GUESTS: Joan Couhie; Michael Palmisano; Bill Wilusz; John P. Nuzzo; Gretchen
Nuzzo; Heather Schulze; David Quinn; Michael Quinn; Harry Murray,
LLS; John D. Dwinnells; Kenneth Cuneo; Brett Merrill; David Elliott; Bill
Edwards; Lou Trahan; Carri Preble; Steve Gilbert; David Muise; Ann
Zinser; Carl Landon; L. Mackinley

I. CALL TO ORDER:

Chairman Paul Morin called this meeting to order at 6:55 PM at the Weare Town
Office Building.

II. REVIEW MAIL & MINUTES:

SOUTHERN NH PLANNING COMMISSION LETTER: A was sent to the
Board of Selectmen to confirm a Community Assistance Visit that is scheduled
for September 22, 2004 at 11:00 AM at the Town Office Building. On behalf of
Federal Emergency Management Agency (FEMA), the New Hampshire Office of
Emergency Management (NH OEM) and the New Hampshire Office of Energy
and Planning (NH OEP) these visits are conducted to maintain contact with
participating communities and assist the SNHPC in assessing the Town's needs
for technical assistance and coordination. In addition, the visits provide an
opportunity for assessing the effectiveness of local floodplain management
ordinances and enforcement practices. This meeting is open to the public if
anyone is interested in attending.

LETTER FROM RESIDENTS OF SAWYER & OLIVER ROAD: A letter was
sent to all boards from the residents of Sawyer Road and Oliver Road bringing to
everyone's attention that the upgraded road doesn't include promised drainage
ditches. They are also worried about the corners, in their opinion, that have been
cut in order to make the road 20 feet wide as required by the Town. They would
like the opportunity to meet with zoning, planning, and selectmen personally,
before any more decisions are made. Carl Knapp, Public Works Director
informed the board that he has been working closely with Burt Brown and his
sons on the upgrade. The road is not yet complete and prior to any occupancy

permit being issued all the road work will have to be done. As far as meeting with the planning board, this board did it utmost to ensure that an engineered plan be provided showing the required road improvements, which got dropped somewhere between this board and the Board of Selectmen, who ultimately gave permission for the upgrade. This is out of this board's hands and now the only one to meet with would be the Board of Selectmen.

LAWRENCE CHAMBERS LETTER: The board received a letter from Mr. Lawrence Chambers stating that he recently signed an agreement with Century 21 to sell his 64.5 acres at the end of Lawrence Road. The buyer wanted to build 14 duplex homes on 4 acre lots and now has changed his mind to 3 small single family homes. Mr. Chambers stated that he is not in favor of the duplexes as he didn't feel the houses would provide much tax money for the Town only more children. The board was unsure why the letter was sent as we currently have no plans on this lot in front of the board.

ANNUAL FALL PLANNING CONFERENCE: Chairman Morin stated that the Annual Fall Planning Conference is scheduled for Saturday, October 30, 2004 at the Waterville Valley Conference Center. If anyone is interested let Naomi know and she can get more information. This conference is sponsored by the NH Office of Energy and Planning.

FALL LAW LECTURE SERIES: The board also received information regarding to the Annual Municipal Law Lectures that are held each year in Manchester. They are scheduled for October 13th, 20th and 27th between 7 and 9 PM. These are usually very good. If any board member would like to attend, again let Naomi know right away. These are sponsored by the Local Government Center (formerly NHMA) and the Regional Planning Commissions (SNHPC).

LETTER FROM SAU #24 REGARDING THE NEW MIDDLE SCHOOL: The Weare School Board wanted to share the preliminary design and costs of the proposed new middle school. The School Board is collecting input from the community and continuing to work with Team Design, Inc. through the fall on the plans. Final design and costs will not be settled until after the October facilities meeting.

III. PUBLIC HEARINGS:

DAVE QUINN (DUNKIN DONUTS) – CONCEPTUAL HEARING, 425 SOUTH STARK HIGHWAY, TAX MAP 109-007.003: Chairman Paul Morin called this hearing to order at 7:10 PM. Dave and Mike Quinn were present for this proposal. The Quinn's are looking at purchasing the old Granite Bank building to put Dunkin Donuts in there. Mr. Quinn stated that they have filed to appear before the board next month with a site plan. The board pointed out to the Quinn's that a long time small coffee/donut business is located just down the road. The board pointed out that they may be looking for a traffic study, and possibly a study that would show the impact this might have on the small local

coffee/donut shop just next door. Being there were no further comments or questions, Chairman Morin closed this hearing at 7:24 PM.

JAY BATTISTELLI-CONCEPTUAL HEARING, RIVER ROAD, TAX MAP 409-085 & 409-086: No one appeared for this conceptual hearing so the board continued on with the lengthy agenda.

KEITH A. & MAURA B. O'NEILL-SUBDIVISION (CONTINUED HEARING), 380 CONCORD STAGE ROAD, TAX MAP 202-047: Chairman Morin opened this hearing at 7:25 PM. Naomi informed the board that she received a letter from the O'Neil's requesting a 90 day extension to allow them time needed to ensure that this project meets all town and state requirements. Chairman Morin moved to continue this hearing to the regular meeting in November, Carl Knapp seconded the motion, all in favor. Chairman Morin closed this hearing at 7:27 PM.

ROBERT GORDON, JR. & PRISCILLA & FRANK GLADU-LOT LINE ADJUSTMENT, NORTH STARK HIGHWAY & FLANDERS MEMORIAL ROAD, TAX MAP 203-018 & 203-018.001: Naomi informed the board that Art Siciliano, LLS for this plan called to state that this application is being withdrawn.

ROCKY FARM REALTY TRUST, JOHN & NANCY BOISVERT, TRUSTEES-SUBDIVISION, RIVER ROAD, TAX MAP 406-049 & 406-050: Chairman Morin opened this hearing at 7:28 PM. Kenneth Cuneo, surveyor for Robert Todd's office was present. Mr. Cuneo explained the purpose of this plan is to simply combine both lots and subdivide off a 5.005 acre parcel with the existing house. Naomi informed the board that later on in the agenda there is a voluntary merger request for these same applicants to merger the two lots together. The board asked Mr. Cuneo why it wasn't shown as a lot line adjustment and subdivision plan, which would be clearer. Mr. Cuneo informed the board that if they want to consider it that way, it would be fine. The board asked about the former location of Barnard Hill Road. Mr. Cuneo explained that when River Road was rebuilt it was straightened. The only item that needed to be fixed was that the lot numbers need to be changed so that all the house information stays on the original lot number. Chairman Morin moved to accept the application as complete, Carl Knapp seconded the motion, all in favor. Chairman Morin moved to continue this hearing to September 9, 2004, Carl Knapp seconded the motion, all in favor. Chairman Morin closed this hearing at 7:40 PM.

JOHN D. & LINDA DWINNELLS-SUBDIVISION, WALKER HILL ROAD, TAX MAP 402-108: Chairman Morin opened this hearing at 7:41 PM. Harry Murray, LLS and John Dwinnells were present for this hearing. Mr. Murray explained that this plan has 2 parts. The first would be to give parcel A which was left from the creation of the Landry lot consisting of 2,511 square feet to his client's sister Donna Lamson. The next part would be to create a separate lot

consisting of 2.25 acres for his son to build a new home. The following items are outstanding:

- abutter corrections
- land area shown before and after

Chairman Morin stated that he would like to see the above corrections done before the application could be accepted as complete. Chairman Morin added by not accepting this application tonight would not make a delay in the overall meetings required for the final outcome. Chairman Morin moved to continue this hearing to September 9, 2004, Frank Bolton seconded the motion, all in favor. Chairman Morin closed this hearing at 7:50 PM.

WILLIAM WILUSZ-SUBDIVISION, DUSTIN TAVERN ROAD (ROUTE 77), TAX MAP 411-224: Chairman Morin opened this hearing at 7:54 PM. Harry Murray, LLS and William Wilusz were present for this hearing. Mr. Murray explained the purpose of this plan is to take the existing parcel of approximately 37 acres and subdivide it into 3 lots. The outstanding items are:

- abutter names and address changes
- waiver for monuments being set in the swamp

Discussion continued about having enough uplands to be able to have duplex's on two of the three lots. One lot is to be for his daughter to build a single family home. The other 2 lots are going to be for duplex lots. Mr. Murray will have to show the 50 foot setback from wetlands. Chairman Morin indicated that there would need to be comments from the Conservation Commission and Board of Firewards. There were several outstanding items that need to be added or corrected prior to being complete. Chairman Morin moved to continue this hearing to September 9, 2004, Carl Knapp seconded the motion, all in favor. Chairman Morin closed this hearing at 8:10 PM.

TCP COMMUNICATIONS (OWNER: WOLF-COTA REALTY TRUST)-SITE PLAN REVIEW, 477 CONCORD STAGE ROAD, TAX MAP 402-119: Chairman Morin opened this hearing at 8:11 PM. Carri Preble, project manager for TCP communications, LLC was present on behalf of the owners to request a change in the landscaping plan that was previously approved. The reason for the request is due to the fact that when the complex was constructed it required drilling and blasting. The argument given was that it would be difficult to plant trees due to the soil conditions and that the plantings would not survive. Bill Edwards, 455 Concord Stage Road, abutter stated that they were here during all the hearings, not really in favor of it at all, and felt that it was very important to them to plant the trees around the complex. There were trees up there originally before the complex that survived just fine. They would like to see the original approval adhered to. Lucien Trahan, 485 Concord Stage Road, abutter stated that he feels that some sort of buffer could be planted and should be planted, just like Mr. Edwards. Chairman Morin read the following comments from the Conservation Commission: "Although the site has significant boulders and rubble from the ledge removal, we see no hardship in planting as much as possible. Clearly the site can not be planted as shown on the site plan, however there are

areas that can be planted and some immediate buffer is better than none.” Chairman Morin felt that he would like to see the requirement fulfilled as the abutters came back to the board and wasn’t in favor of this proposal but felt strongly enough that this board would afford them some protection and he felt that the site plan needs to be fulfilled to the letter. Chairman Morin moved to deny the request to change the site plan, Carl Knapp seconded the motion, all in favor. Chairman Morin closed this hearing at 8:21 PM.

153 CONCORD STAGE ROAD, LLC-SITE PLAN REVIEW, COLLINS LANDING ROAD, TAX MAP 401-004: Chairman Morin opened this hearing at 8:22 PM. Art Siciliano and Mike Pelletier were present for this hearing. Mr. Siciliano explained that they are here requesting a change to the original plan that was approved in 1988 for 92 condominium units. This proposal would change the originally approved configuration, but leaving the bottom line 92 units still. The second page of the plan shows both the originally approved lot configuration in light print and overlaid in dark print is the new proposed configuration. Chairman Morin stated that he felt it would be nice to create a few sheets to give the same level of detail that they saw fit to show on sheet #3, which only shows one area in detail.

Brett Merrill, 162 Russell Drive resident of lake, not an abutter to the project commented that 2 years ago when a proposal for a combination of multi and single family homes they were told that no changes could be made without coming back and starting again. Mr. Merrill stated that he was in favor of decreasing the total number of units. Another comment was with regard to the changing the septic systems, these new locations of the septic systems are now really closer to the lake then the original systems were. Particularly if you look at the terrain, on a lot of rock and ledge, leaching down to and hit the bedrock and then slide into the lake. Chairman Morin stated that he will take the time and look into Mr. Merrill’s concerns.

David Elliott, stated that his parents reside on lot below, concerned about the changes being made with regard to the locations of the septic systems. The new type of systems, smaller ones, are not necessarily better. There is a well that sits very close to the septic and the well runs into the lake. There was also a promise for the parking lot and driveway to service the Elliott’s and he was curious if there were any changes made to that. The change was made to the by-laws regarding the. Mr. Elliott has a concern because the only access to his parent’s home is now showing that it is not to be constructed which is a concern to him as he and his brother are the owners.

Carl Landon, abutter on Russell Drive, can only agree with the two prior speakers and is also concerned with the relocations of the septic systems, away from the lake is probably the safest, potential future damage to the lake.

David Muise, owner of unit 16 at Collins Landing, concerned about any other buildings being put in or septic systems, which is a concern of his. He has had some discussion with the neighbors talking about relocating units, but they don't appear to be shown on this plan. He is concerned with any cost increase that might be passed off to the association.

Steve Gilbert is happy about the relocation of the units that were immediately abutting him. He shares the same concerns as the previous speakers about the run off from the ledge to the lake and the relocation of the septic systems.

Chairman Morn asked Mr. Pelletier if there is a possibility that they can relocate these units and still use the existing approved septic plans.

Carl Knapp explained that he currently is in charge of the town's sewer system that is the old pump system which is pumped a long way. It has been installed in the 70's and has not been an issue or failed.

Mr. Pelletier felt that he thinks there should be some more investigation on the septic issue, but he currently has a building under cease and desist and he would like to continue before the building rots.

Frank Bolton had several questions, and commented that there has been a plan approved previously one way and is it precedent setting to allow the board to make changes. Mr. Bolton stated that this was a vested project based on a previously approved plan and now he is making changes, does that have any effect on the vesting? Mr. Bolton felt the vesting issue should be back on the table for more discussion, as he feels any change from the plan affects the vesting.

Chairman Morin read the comments from the Conservation Commission which are as follows, "Units 61 and 62 appear to be only 17 ft. from the conservation easement. Although technically this is enough room to construct, we feel this is not enough yard area which may result in encroachment issues as the eventual owner will want a bigger back yard. We would like to suggest that 25 ft. would be a minimum yard depth from the structure to the conservation easement. We would like to have the conservation easement boundary monumented with pins so that we can monitor the boundary."

Chairman Morin pointed out that the two other big issues are:

1. The current building being constructed is under a cease and desist
2. The Town has agreed on record that this project was vested for the previously approved plan and this issue has come back to light tonight.

Chairman Morin asked Mr. Pelletier if they could possibly make changes to the building locations but revert back and use the previously approved septic systems that were originally approved.

Mr. Pelletier stated that he would like to look into relocating the leaching area, which would probably dispose of some of the issues talked about tonight. He stated that he would like to keep the approved systems.

The board agreed that ultimately they need to come back with a plan that would closely address the concerns about the septic systems.

Chairman Morin pointed out that this is not an endorsement by any means. As far as the lifting of the cease and desist would be completely up to Chip. Chairman Morin moved to continue this hearing to September 9, 2004, Carl Knapp seconded the motion, all in favor. Chairman Morin closed this hearing at 9:59 PM.

ROCKY FARM REALTY TRUST, JOHN & NANCY BOISVERT, TRUSTEES-VOLUNTARY MERGER, RIVER ROAD, TAX MAP 406-049 & 406-050: Chairman Morin moved to continue this hearing to September 9, 2004 and to put them on the agenda together as they relate to the same plan, Carl Knapp seconded the motion, all in favor.

Frank Bolton stated that he would be stepping down from the next discussion as he is an abutter to this property.

MT. WILLIAM, INC.-VOLUNTARY MERGER, RIVER ROAD, TAX MAP 409-004 & 406-067: With Frank Bolton stepping down, there is no quorum for this merger to be considered, therefore this will be put on next months agenda

IV. OTHER BUSINESS:

CAPITAL IMPROVEMENTS PROGRAM (CIP): It is that time of year again for CIP. Naomi will send out packages to all department heads, with a deadline of September 16th for returning all the information back to Naomi. The Department Heads will then be invited to show up on September 22nd to go over their requests. There has been a CIP subcommittee formed that will also be invited to the meeting on the 22nd. Frank Bolton will give Naomi the contacts to invite.

VILLAGE CENTER TEAM: This is another group that was put together as a result of the community profile. Bill Beaupre took the lead at the original onset but he is looking for someone to take the chair. They will be coming in at some point to keep this board abreast as to what is going on. This appears to be similar to Plan NH program.

MEETING WITH SCHOOL BOARD: Chairman Morin stated that he attended a meeting with the school board. They are proceeding with a proposal for new middle school. They are looking for an endorsement in writing for their efforts. Chairman Morin stated that he does intend to give them a personal written endorsement. He asked that the members present to look over the information that was sent to us from the SAU which contained a preliminary design and costs.

SAWYER ROAD: Carl Knapp wanted to inform the board that Bob Christensen, Town Administrator is trying to set up a meeting with the residents sometime this week to walk and listen to all the neighbors concerns regarding the road.

NEXT MEETING: The board's next meeting is August 26th , next Thursday. It is a work session to discuss the Master Plan update only amongst the board and it will not include Jack Munn. The board needs to concentrate on how we can get the information to the general public. The board also needs to put together a time table and decide how ever many update meetings we need to have and to pick a date for a final adoption date. Basically we need to set the calendar for the rest of the year. The Managed Growth discussion will also be put on this agenda.

V. ADJOURNMENT:

As there was no further business to come before the board, Chairman Morin moved to adjourn at 10:20 PM, Carl Knapp seconded the motion, all in favor.

Respectfully submitted,

Naomi L. Bolton
Land Use Coordinator